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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JACQUES JOSEPH LABRIE

Appeal 2008-1665
Application 09/221,542¹
Technology Center 2100

Decided: January 13, 2009

Before: JEAN R. HOMERE, JAY P. LUCAS and STEPHEN C. SIU,
Administrative Patent Judges.

LUCAS, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

Appellant appeals from a final rejection of claims 1 to 28 under authority of 35 U.S.C. § 134. The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

¹ Application filed December 28, 1998. Appellant claims the benefit under 35 U.S.C. § 119 of provisional application 60/072,550, filed 1/26/1998. The real party in interest is International Business Machines Corporation.

Appellant's invention relates to a method (and system and computer program) for tracing back the source data that was used to generate selected target data while searching in a database tree structure. In the words of the Appellant:

The subject system provides users with a tree structure (p. 5, l. 8) that represents the data the users wish to view. The system allows users to select any data that they want to access (p. 5, l. 9) which can be anywhere on the tree. If the users have questions about how the data they are looking at was derived, the users navigate the information catalog via the tree structure to see any "transformations" that were applied to generate the data. From this point, the users can continue with their data analysis or continue to follow the lineage by looking at the metadata about the source data. The present system enables users to drill from the target warehouse data back to the original source data and learn how the target warehouse data was derived.

Accordingly, the present system is especially advantageous in that it is used to describe a process applied to data. More particularly, the present system describes to users querying the system the transformation of data as it moves in a data warehouse. Moreover, the system defines the lineage of data. That is, the system indicates to the user what the sources for the warehouse were and/or the modification(s) that resulted in the current state of data and enables the user to navigate the data (p. 5, l. 10, 11).

(Brief, p. 6, middle).

Claim 1 is exemplary:

1. A method of navigating data stored on a data storage device connected to a computer, comprising the steps of:

in response to receiving input from a user navigating a plurality of data objects stored in an Information catalog, selecting a target data object in the information catalog; and

providing information about source data from which the target data object was derived via a transformation performed on said source data to derive said target data object.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Alston, Jr.

US 5,315,709

May 24, 1997

REJECTION

Claims 1 to 28 stand rejected under 35 U.S.C. § 102(b) for being anticipated by Alston.

Appellant contends that the claimed subject matter is not anticipated by Alston for failure of the reference to teach the claimed limitations, as understood in the applications. The Examiner responds that each of the claims is properly rejected, as broadly but fairly interpreted.

Rather than repeat the arguments of Appellant or the Examiner, we refer to the Briefs and the Answer for their respective details. We have considered in this opinion only those arguments actually made by Appellant. Arguments which Appellant could have made but chose not to make in the Briefs are deemed to be waived.

We affirm the rejection.

ISSUE

The issue is whether Appellant has shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 102(b). The issue turns on whether Alston teaches the target data objects are related to the source data objects as required by the claims, as well as other claim limitations.

FINDINGS OF FACT

The record supports the following finding of fact (FF) by a preponderance of the evidence.

1. Appellant has invented a method (system, apparatus) for assisting a user to conveniently search for data objects (e.g. records) stored in a data catalog system. (Spec., p. 7, 1.23). To assist a user to “drill down” through a subject area, the catalog system supports what is called a Transformation Lineage Model. (Spec., p. 9). Using this model, and the metadata behind the data objects, the user can find the source data from which higher level target data was derived. (Spec., p. 10, top).

PRINCIPLES OF LAW

“In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and argument.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375-76 (Fed. Cir. 2005) (citation omitted).

“Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference.” *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999)

All of the disclosures in a reference must be evaluated for what they fairly teach one of ordinary skill in the art. The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain. *In re Lemelson*, 397 F.2d 1006, 1009 (CCPA 1968).) (citing *In re Boe*, 355 F.2d 961, 965 (CCPA 1966)

The analysis begins with an interpretation of the claims: “Both anticipation under § 102 and obviousness under § 103 are two-step inquiries. The first step in both analyses is a proper construction of the claims The second step in the analyses requires a comparison of the properly construed claim to the prior art.” *Medichem S.A. v. Rolabo S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003) (internal citations omitted).

Our reviewing court states in *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) that “claims must be interpreted as broadly as their terms reasonably allow.” Our reviewing court further states that “the words of a claim ‘are generally given their ordinary and customary meaning.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (internal citations omitted).

ANALYSIS

From our review of the administrative record, we find that the Examiner has presented a prima facie case for the rejections of Appellant's claims under 35 U.S.C. § 102(b). The prima facie case is presented on pages 3 to 6 of the Examiner's Answer. In opposition, Appellant presents a number arguments.

*Arguments with respect to the rejection
of claims 1 to 28
under 35 U.S.C. § 102*

Alston teaches a system, method and device for transforming objects in a first data model, which he calls source design objects, to objects in a second design model. (See Abstract, and Col. 10, top). Alston's purpose is to facilitate searching for objects (files, data, etc.) in a catalog of items #46 on a mainframe #26, where the database structure of the objects on the mainframe is built in the relational data models of the well-known database management system DB2. (Col. 2, l. 9-12). However, the user manages the database (retrieving, storing, modifying records) (Col. 1, l. 36-41) by the keyboard #22 and display devices #12 attached to a personal desktop system using a totally different data model, built around the proprietary Bachman Analyst system. (Col. 1, l. 60-65). This data model is very different from the DB2 model, and uses an entity relationship structure. Clearly in order for the user at the Bachman system #10 to effectively manage the data on the mainframe #26, the different data models (called design spaces) of the Bachman and the DB2 platforms must be able to transform objects back and forth. The Alston patent is mainly involved in transforming the data objects

from one design space, called the source design space with source design objects (SDOs) to the target design space with target design objects (TDOs). This transformation between design spaces can go in either direction, DB2 to or from Bachman, and is sometimes called “engineering” in the patent. (Col. 9, l. 45; Col 10, l. 59). The transformation in Alston is arranged by a mapping process between the design spaces. (See Figure 3A). Objects (SDOs) in the Source Design Space #50 are mapped by system and user maps M1, M2 etc. to objects (TDOs) in the Target Design Space #60. By this mapping for each target object you can find the source object from which it is derived.

Appellant indicates that the thrust of the Alston invention is different from that of the instant application. (Br., p. 13, middle). This difference is best appreciated by looking at Appellant’s Figure 6, where the target data object #610 is labeled “Sum of Cost by location”, and is the sum of the source data objects #612 (Finance.cost Boston) plus Finance.Cost NewYork plus Finance.Cost Pittsburgh and so forth. In this example, Appellant indicates that he meant the concept of the target data object #610 being the transformation (sum) of the individual source data objects Boston, NY, Pittsburgh etc. from which the sum is derived. (Spec., p. 11, l. 20+). We notice this conceptualized in the last paragraph of claim 1.

However, on Examination in the USPTO the claims may be broadly but fairly interpreted, and the Examiner in making this rejection has pointed out that the language of the claims read on the Alston patent, and thus the claims are anticipated by it. (See *In re Zeltz*, cited above.)

Appellant demurs to the reading, which objection is the heart of the appeal. We now consider representative claim 1.

Alston's user employs the keyboard # 22 and display #12 to "store, retrieve, and modify aggregations of data items, data records, and data relationships." (Col 1, l. 38-39). The common meaning of navigating data would include the selection process inherent in performing these functions, especially retrieval of the data such as Customers and Names as mentioned in the patent. (Col. 3, l. 39-44). The claim requires a plurality of data objects stored in an information catalog. The DB2 database catalog #46 is said to contain complex multi-object information. (Col 3, l. 36-37). The claim requires the navigating user to provide input resulting in the selection of an object from the information catalog. Alston's system is used for the retrieval, storage and modification of target data records by a user. (Col. 1, l. 36-41). Finally, the claim requires that the system provide information about source data from which the target data object was derived. In formulating the SQL query #16, the system #10 provides target data to be used in retrieving objects from the catalog #46. Data maps M1, M2 etc. (Fig. 3A, col. 11, l. 38+) provide a link to the source data from which the target data was derived.

Appellant argues that Alston is a "moving forward" system wherein objects are transformed from a first data model to a second data model, and does not permit providing information about source data from which a selected target data object was derived. (Br., p. 16, bottom). On the contrary, Alston provides the mapping, to which we averred above. The

mapping as expressed in Figures 3A or 3B provide information on the transformation from the target data objects back to the source data objects from which the target objects were derived.

Appellant argues that Alston does not provide navigation of the target data. (Br., p. 17, middle). As mentioned above, we find navigation of the target data an inherent part of retrieval, storage and modification of the data.

Appellant makes other distinctions between the disclosed system of Appellant and the Alston system, such as allowing users to access data derived from any number of database sources on one or more data processing nodes. (Br., p. 19, top, bottom). However, these distinctions are not reflected in the claims before us.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in rejecting claims 1 to 28.

DECISION

The Examiner's rejection of claims 1 to 28 under 35 U.S.C. § 102 is Affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

pgc

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